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CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on **February 26, 2003**.

Teresa Walls
Teresa Walls

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Fred S. Miller, et al.

Serial No.: 09/394,159

Filing Date: September 13, 1999

For: SOLID PHASE MICROEXTRACTION
DEVICE USING AEROGEL

Examiner: I. Clintins

Group Art Unit: 1724

**RESPONSE TO OFFICE ACTION
MAILED December 11, 2002**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action mailed December 11, 2002, please amend the above-identified application in the following manner:

IN THE CLAIMS

Please cancel Claim 23.

REMARKS

Claim Rejections Under 35 U.S.C. §112, first paragraph

In the December 11, 2002 Office Action (hereinafter referred to as "the Office Action"), the examiner rejected Claims 1, 3-12, 21, and 23 under 35 U.S.C. § 112 on the bases that the claim limitation "that the support structure is attached 'to the plunger portion of a syringe (claim 1, last line)' does not appear to be supported by the

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disclosure originally filed, and hence constitutes new matter." Applicants respectfully traverse this rejection and submit that when Figure 4 of Applicants' specification is viewed in light of page 10, lines 23-25 and page 11, lines 1-12 of Applicants' specification, it is clear that the support structure 44 is attached to the plunger 52 of the syringe and not the needle 56 of the syringe. "The SPME device 40 is a support structure 44 with an aerogel collection substrate 46 at the end....The SPME device 40 is mounted to the top of the plunger 52 and may be enclosed in a metal sleeve 60 to protect the device 40 from damage. The device 40 extends through the plunger 52 and the needle 56 and moves longitudinally as the plunger 52 slides within the barrel 50." (See Applicants' specification page 10, lines 23-26; page 11, lines 5-8; and Figure 4; *emphasis added*)

Applicants respectfully submit that sufficient support can be found in Applicants' specification as cited above to support the limitation of Claim 1 that "said support structure is attached to the plunger portion of a syringe."